

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

**THIRD JOINT MOTION TO EXTEND TIME TO
RESPOND TO WRITTEN DISCOVERY**

Now come the parties in the above captioned matter and hereby move this
Honorable Court to extend the deadline to respond to written discovery from January 31,
2006 until February 21, 2006.

In further support of this motion the parties state as follows:

1. On July 7, 2005, this Honorable Court ordered that all discovery requests be responded to by December 31, 2005.
2. In furtherance of settlement discussion that have been productive, the parties filed a Joint Motion to Extend Time to Respond to Written Discovery and a Second Joint Motion to Extend Time to Respond to Written Discovery.
3. On January 18, 2006, the Court granted the second motion, thereby extending the period to respond to written discovery and file motions to compel until January 31, 2006.
4. The parties are still actively engaged in settlement discussions. In order to allow the settlement discussions to continue with out the distraction of meeting the January 31, 2006 deadline, the parties hereby request that the deadline to respond to written discovery be again extend until February 21, 2006.
5. The parties shall also be permitted until February 21, 2006 to file all motions to compel and/or other pleadings arising from written discovery requests.

6. Neither side shall be prejudiced by this extension, and because neither side requests that any other deadlines be extended, granting this motion shall not delay the disposition of this matter.

Respectfully submitted,

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Date: January 31, 2006

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Dated: January 31, 2006

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ORDER

AND NOW, this ____ day of _____, 2006, upon consideration of the Second Joint Motion to Extend Time to Respond to Written Discovery, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED** and the deadline to respond to written discovery be extended until **February 21, 2006**. The parties shall also be permitted until **February 21, 2006** to file all motions to compel and/or other pleadings arising from written discovery requests.

SO ORDERED.

Nathaniel M. Gorton
United States District Judge

Dated: _____, 2006